

C. H. A. P.
XLV.

aforsaid, or any two of them, shall make such allotment and assignment, within the lands belonging to the same person, in alternate lots, determining by lot or ballot, whether the party shall begin with the lowest number; provided, that in the cases of coverture and infancy, if the husband, guardian or next friend, will agree with the commissioners, or any two of them, then an effectual division may be made by consent; and in case of contrary claims, if the claimants will not jointly agree, the commissioners may proceed as if the proprietor was absent; and all persons, to whom allotments and assignments of lands shall be made by the commissioners, or any two of them, on consent and agreement, or pursuant to this act without consent, shall hold the same in their former estate and interest, and in lieu of their former quantity, and subject, in every respect, to all such limitations, conditions and incumbrances, as their former estate and interest, and in lieu of their former quantity, and subject, in every respect, to all such limitations, conditions and incumbrances, as their former estate and interest were subject to, and as if the same had been actually reconveyed pursuant to the said deed in trust.

Sec 1793, ch. 58, section 3.

Commissioners,
in certain cases,
may issue pro-
cess, &c.

IV. AND BE IT ENACTED, That where the proprietor or proprietors, possessor or possessors, of any lands within the limits of the city of Washington, or within the limits of Carrollburgh or Ham-
burgh, who have not already, or who shall not, within three months after the passage of this act, ex-
ecute deeds in trust to the aforesaid Thomas Beall and John M. Gantt, of all their lands within the
limits of the said city of Washington, and on the terms and conditions mentioned in the deeds
already executed by Notley Young, and others, and execute deeds in trust to the said Thomas Beall
and John M. Gantt, of all their lots in the towns of Carrollburgh and Hamburgh, on the same terms
and conditions contained in the deeds already executed by the greater part of the proprietors of lots
in the said towns, the said commissioners, or any two of them, shall and may, at any time or times
thereafter, issue a process, directed to the sheriff of Prince-George's county, commanding him, in
the name of the state, to summon five good substantial freeholders, who are not of kin to any pro-
prietor or proprietors of the lands aforesaid, and who are not proprietors themselves, to meet on a
certain day, and at a certain place, within the limits of the said city, to inquire of the value of the
estate of such proprietor or proprietors, possessor or possessors, on which day and place the said sheriff
shall attend, with the freeholders by him summoned; which freeholders shall take the following oath,
or affirmation, on the land to be by them valued, to wit: "I, A. B. do solemnly swear, (or affirm,)
" that I will, to the best of my judgment, value the lands of C. D. now to be valued, so as to do
" equal right and justice to the said C. D. and to the public, taking into consideration all circum-
" stances," and shall then proceed to value the said lands; and such valuation, under their hands
and seals, and under the hand and seal of the said sheriff, shall be annexed to the said process, and
returned by the sheriff to the clerk appointed by virtue of this act, who shall make record of the
same, and the said lands shall, on the payment of such valuation, be and is hereby vested in the said
commissioners in trust, to be disposed of by them, or otherwise employed to the use of the said city
of Washington; and the sheriff aforesaid, and freeholders aforesaid, shall be allowed the same fees
for their trouble as are allowed to a sheriff and jurymen in executing a writ of inquiry; and in all
cases where the proprietor or possessor is tenant in right of dower, or by the courtesy, the free-
holders aforesaid shall ascertain the annual value of the lands, and the gross value of such estate
therein, and upon paying such gross value, or securing to the possessor the payment of the annual
valuation, at the option of the proprietor or possessor, the commissioners shall be and are hereby vest-
ed with the whole estate of such tenant, in manner, and for the uses and purposes, aforesaid.

Squares, &c. to
remain, &c.

V. AND BE IT ENACTED, That all the squares, lots, pieces and parcels of land, within the said
city, which have been or shall be appropriated for the use of the United States, and also the streets,
shall remain and be for the use of the United States; and all the lots and parcels, which have been
or shall be sold to raise money as a donation as aforesaid, shall remain and be to the purchasers, ac-
cording to the terms and conditions of their respective purchase; and purchases and leases from pri-
vate persons claiming to be proprietors, and having, or those under whom they claim having, been
in possession of the lands purchased or leased, in their own right, five whole years next before the
passing of this act, shall be good and effectual for the estate, and on the terms and conditions of such
purchases and leases respectively, without impeachment, and against any contrary title now existing;
but if any person hath made a conveyance, or shall make a conveyance or lease, of any lands within
the limits of the said city, not having right and title to do so, the person who might be entitled to
recover the land under a contrary title now existing, may, either by way of ejectment against the
tenant, or in an action for money had and received for his use against the bargainor or lessor, his
heirs, executors, administrators or devisees, as the case may require, recover all money received by
him for the squares, pieces or parcels, appropriated for the use of the United States, as well as for
lots.